

From: [Azevedo, George](#)
To: [Holst, Linda](#); [Newell, Marietta](#)
Subject: FW: Illinois Fox River letter
Date: Monday, February 23, 2015 9:09:54 AM
Attachments: [IEPA_Fox_River_Phosphorus_Approval_2014_07_02.pdf](#)

From: Pierard, Kevin
Sent: Friday, February 20, 2015 2:44 PM
To: Azevedo, George
Subject: FW: Illinois Fox River letter

From: Pierard, Kevin
Sent: Friday, August 15, 2014 8:27 AM
To: Weiss, Steven (MPCA)
Cc: Ramach, Sean; Ireland, Scott; Kuefler, Patrick
Subject: Illinois Fox River letter

Steve – I mentioned the attached letter yesterday. We approved Illinois' approach to nutrient discharges in the Fox River consistent with the provisions outlined in the letter. The Fox is a moderate sized river with several low head dams. The conditions in the letter are important provisions that allowed us to consider a more innovative approach to meet the minimum requirements for nutrient limitations. Critical factors in our decision for the Fox River included:

- Establishment of a 1mg/L annual rolling average concentration limit with a compliance schedule for achieving this in permits issued this year;
- The existence of an active and diverse watershed group guided by state agencies;
- Completion of a watershed study and watershed modeling;
- Near term completion of a study to identify specific practices that will reduce nutrient loading;
- A 3 year permit term with a commitment to reissue the permits upon expiration and include appropriate limits and durations based on the study findings as well as incorporation of implementation measures that will lead to attainment; and
- A limitation of this approach to those communities participating in the watershed group.

If you have any questions give me a call.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

WN-16J

JUL 02 2014

Marcia Willhite, Chief
Bureau of Water
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794

Dear Ms. Willhite:

During our review of the draft National Pollutant Discharge Elimination System Permit (NPDES) permit for the City of Saint Charles we noted that IEPA is proposing to include a limitation of 1.0 mg/L Phosphorus applied on an annual rolling average basis rather than as a monthly average which is the normal practice. Region 5 expressed that a monthly limit is minimally required and is appropriate given the nature of the pollutant, the importance of controlling the concentration in the receiving stream during the shorter duration periods when it is most susceptible to algal blooms, and the absence of site-specific monitoring and modeling data demonstrating the appropriateness of annual rather than monthly limits. A monthly limit is also consistent with 40 CFR 122.45(d).

Since that time we have had conversations with you and your staff concerning the unique watershed-scale effort underway to address impairments associated with nutrient pollution and achieve water quality objectives in the Fox River Watershed. We understand that the Fox River Study Group (FRSG), a diverse coalition of metro, private sector, and environmental organizations, under the guidance of IEPA and the Illinois Water Survey has completed a watershed study which includes detailed modeling of the watershed. The FRSG is currently evaluating management scenarios and nutrient reductions from various sources toward completing the Fox River Implementation Plan (FRIP). The FRIP is scheduled to be completed by July 2015 and will include the specific point source reductions and other implementation measures necessary to resolve the nutrient related impairments in the Fox River.

Based on our conversations we understand that the proposal is to reissue NPDES permits with a three year permit term in 2014 for up to 20 major dischargers in the Fox River Watershed. These permits would include a phosphorus limit of 1.0 mg/L on an annual rolling average with this limit becoming effective four and a half years from the date of issuance. These permits should explicitly state that the annual phosphorus limit of 1.0 mg/L has been included in the permit pending completion of the FRIP. Upon expiration of the three-year permits, IEPA will develop and reissue the permits consistent with the findings and recommendations contained in the FRIP to include appropriate phosphorus limits of appropriate duration to replace the annual rolling

average. EPA will work with IEPA at that time to ensure that the reissued permits include appropriate limits for phosphorus.

The FRSG has undertaken a creative approach to comprehensively assess impairments to the Fox River and the causes of these impairments. IEPA has proposed to utilize a degree of flexibility in establishing limitations in short-term permits in order to allow time for the FRSG to complete the process of identifying and assigning implementation measures, some of which will ultimately be incorporated as enforceable provisions into re-issued NPDES permits, to alleviate impairments associated with nutrient pollution. Further the FRSG effort will likely identify phosphorus limits necessary to achieve water quality standards as well as recommend other averaging periods for phosphorus limits which the regulatory agencies could consider in reissued permits.

We applaud the FRSG effort and, with the following provisions included in the permits in addition to those outlined above, and agreement on the timeframe for implementation, we would not object to NPDES permits for municipalities participating in the FRSG on the basis that they contain an annual rolling average limitation for phosphorus. Our rationale for this is based on the fact that this overall approach is being developed and undertaken by a broad based watershed group; the limit is an interim limit until the FRIP identifies the recommended permit limitations and averaging periods for phosphorus in the context of the implementation plan; the permits will be issued this year and have a permit term no longer than three years, at which time the reissued permits will incorporate the FRIP. Provisions we would like included in the permits to be issued in 2014 include routine weekly monitoring and reporting for phosphorus to provide IEPA with additional information upon which to make future decisions as well as a provision requiring permittees to operate the existing facilities to optimize the removal of phosphorus.

Please contact Kevin Pierard, at (312) 886-4448, or me at (312) 886-9296, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tinka G. Hyde", with a long horizontal flourish extending to the right.

for Tinka G. Hyde
Director, Water Division

cc: Sanjay Sofat